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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/393,576	09/10/1999	MITSUBU ENOMOTO	P1216-9002	2928

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EXAMINER

DINH, KHANH Q

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/393,576

Applicant(s)

ENOMOTO ET AL.

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the Remarks filed on 5/9/2005. Claims 23-31 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 23-27, 30 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin et al., U.S. Pat. No. 5,898,819 in view of Gasperina US pat. No. 5,491,781.

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As to claim 23, Austin discloses an Internet information method for receiving Internet information, displaying it on the screen, and display a tool bar composed of plural buttons each representing control function on the screen comprising:

selecting an arbitrary button (button 58 fig.2a) in said toolbar (fig.2a), magnifying and displaying said selected button (i.e., enlarge view of the button shown in fig.2b) displaying the button group and the individual buttons (buttons 54a-54i fig.2a) (see abstract, figs.2a, 2b, col.7 lines 14 to col.8 line 41 and col.9 lines 15-65).

Austin does not specifically disclose displaying magnifying button into a predetermined size in longitudinal and lateral directions. However, Gasperina discloses magnifying button into a predetermined size in longitudinal and lateral directions (see abstract, figs.1A, 1B, col.1 lines 31-60 and col.3 line 6 to col.4 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gasperina 's teachings into the computer system of Austin to displaying information because it would have capable correcting reproduced image density automatically in accordance with a density of document ground.

As to claim 24, Austin discloses the state of the selected button is magnified in the direction toward the center of the screen at said step of magnifying and displaying said selected button (see figs.2a, 3, col. 8 lines 1-58 and col.11 line 42 to col.12 line 43).

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As to claim 25, Austin discloses characters for expressing the function of the button are also displayed at said step of magnifying and displaying said selected button (see figs.2a, 3, col.7 lines 14 to col.8 line 41 and col.11 line 42 to col.12 line 43).

As to claim 26, Austin discloses the step of varying the displaying state of said magnified and displayed button when executing the function of said selected button (see figs.2a, 2b, 3, col. 8 lines 1-58 and col.11 line 42 to col.12 line 43).

As to claim 27, Austin discloses the button is displayed in the depressed state from the screen at the step of varying the displaying state of said magnified and displayed button when executing the function of said selected button (see figs.2a, 3, col.7 lines 14 to col.8 line 41 and col.11 line 42 to col.12 line 43).

As to claim 30, Austin discloses Internet information for receiving Internet information, displaying it on the screen, and display a tool bar composed of plural buttons each representing control function on the screen comprising:

selecting an arbitrary button (button 58 of fig.2a) in said toolbar (54a-54i fig.2a) and displaying said selected button in a single user action (clicking the preview button, see abstract, figs.2a, 2b, col.7 lines 14 to col.8 line 41 and col.9 lines 15-65).

Austin does not specifically disclose magnifying button into a predetermined size in longitudinal and lateral directions. However, Gasperina discloses magnifying button into a predetermined size in longitudinal and lateral ((see abstract, figs.1A, 1B, col.1 lines

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31-60 and col.3 line 6 to col.4 line 65). It would have been obvious to one of the ordinary skill in the art at the time the invention was made to implement Gasperina 's teachings into the computer system of Austin to displaying information because it would have capable correcting reproduced image density automatically in accordance with a density of document ground.

As to claim 31, Austin discloses that the display state of the selected button is magnified and moved in the direction toward the center of the screen (see figs.2a, 3, co1. 8 lines 1-58 and col.11 line 42 to col.12 line 43).

4. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Austin and Gasperina as in item 3 above and further in view of Schindler et al US pat. No.5,675,390.

Austin and Gasperina 's teachings still applied as in item 3 above. Neither Austin nor Gasperina specifically discloses using a wireless remote control to select an arbitrary button. However, a wireless remote control is generally well known in the art as disclosed by Schindler (using remote control to control functional buttons and key pads, see abstract, co1.13 line 45 to co1.14 line 55). It would have been obvious if not inherent to one of the ordinary skill in the art at the time the invention was made to implement a well-known device such as a wireless remote control in the computer

system of Austin to control data because it would have enabled users to access and to control data information more quickly.

Response to Arguments

5. Applicant's arguments with respect to claims 23-31 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Claims 23-31 are *rejected*.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh
Patent Examiner
Art Unit 2151
7/22/2005